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Report from the Independent Consultant, ARCADIS

Summary: A Working Draft of BDCP was publicly released and it represents significant progress toward a final plan. Significant issues remain in completing BDCP. Resource agency staffs have indicated that BDCP may not meet HCP/NCCP.

The November 18 Working Draft of the Bay Delta Conservation Plan (BDCP) is the first time the draft plan has been compiled as one integrated document, which provides an opportunity for the BDCP Steering Committee and members of the public to develop opinions about how to best proceed with the plan. The Working Draft includes twelve chapters and six supporting appendices (over 3,400 pages to date). It includes many integrated elements, including:

- new north Delta facilities
- water operations
- conservation and restoration
- measures to address stressors
- adaptive management
- plan implementation
- governance
- funding

The document is evidence of significant progress toward completion of BDCP. Some elements of the plan are very well defined, while others are less so. The Steering Committee is committed to finalizing a scientifically-based and legally sufficient draft plan over the next year. However, two members of the Steering Committee have recently withdrawn support (Westlands Water District and San Luis-Delta Mendota Water Authority) due to concerns that sufficient water supply assurances may not be achievable.

Attached is the December version of our matrix of major unresolved issues. Our review is based on attending BDCP Steering Committee meetings and reviewing publicly available BDCP materials, including comment letters from concerned parties. Notable status updates include:



ITERATIVE APPROACH

- Conservation Measures will need to be iterated to inform modifications to the effects analysis.
- Iteration of water operations alternatives is anticipated in the coming months.

CONSERVATION STRATEGY LINKAGE TO RECOVERY

- Logic Chain linkage of objectives and conservation measures should be SMART – specific, measurable, achievable, relevant, and time-bound. Existing objectives under review against SMART criteria.
- Biological stressors have been partially incorporated.
- Current ability to prioritize Conservation Measures and evaluate their effectiveness is limited.

INTEGRATION

- Water operations have proven difficult to integrate with effects analyses on covered species making causative relationships uncertain.
- The proposed adaptive management program has been improved but is still yet to be fully developed and integrated with the Logic Chain, governance, implementation, operations, and independent science.

UNCERTAINTY

- Role of freshwater in ecosystem health is uncertain.
- Methods for addressing uncertainty are not consistent.
- Preliminary effects analysis and water quality modeling results suggest changes in proposed water operations may be needed.

ASSURANCES/BALANCING OF CO-EQUAL GOALS

- Uncertain whether water supply assurances can be balanced with ecosystem recovery.
- Effects analysis has not demonstrated ability to reverse ecosystem trends.
- Department of Interior biologists indicate that reductions in Delta outflow will potentially increase the risk of Delta smelt extinction.

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- Time-step and spatial extent in current models may not adequately determine biological impacts.

GOVERNANCE

- Concerns have been raised about how regulatory agencies will retain decision-making authority over actions affecting Covered Species.
- Complex governance structure is described in Chapter 7 of document; however, final outcome is uncertain.

SCHEDULE

- Draft BDCP and Administrative Draft EIR/EIS is anticipated in July 2011; Public Draft EIR/EIS in October 2011; and Final EIR/EIS in Spring 2012.
- Final BDCP will not be completed in time for inclusion in the Delta Plan.

COSTS

- Cost estimates continue to evolve.
- Current capital cost estimates in excess of \$15 billion.

FUNDING

- USBR and DWR have only committed to costs directly related to conveyance.
- Funding for conservation measures is uncertain, and is a requirement for meeting NCCP standards.

The Steering Committee intends to continue work on the remaining elements of the plan. A primary task will be resolution of methods to determine benefits to species. After these methods are resolved, conservation measures will be evaluated for effectiveness and refined to contribute to recovery. This process is proposed to iterate towards a final project and/or suite of conservation measures.